

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY AVERAGE  
WHOLESALE PRICE LITIGATION,

THIS DOCUMENT RELATES TO THE MASTER  
CONSOLIDATED CLASS ACTION,

MDL No. 1456

Civil Action No. 01-12257-PBS

**AFFIDAVIT OF PAMELA SIREN**

I, Pamela Siren, being duly sworn, do hereby depose and say:

1. I am the Vice President of Quality and Compliance at Neighborhood Health Plan, Inc. ("NHP"). This Affidavit is submitted in support of Nonparty Neighborhood Health Plan, Inc.'s Motion for Protective Order and to Quash Subpoena from Defendant Dey, Inc.

2. NHP is a not-for-profit health maintenance organization founded by the Massachusetts League of Community Health Centers and the Greater Boston Forum for Health Action to bring managed care to under-served populations.

3. Today, NHP has approximately 125,000 members. Approximately eighty percent of those members are MassHealth (Medicaid) members.

4. NHP posts its 2004 Annual Report on its website, [www.nhp.org](http://www.nhp.org). As noted in the Report, at the end of 2002, NHP had serious financial issues. Consequently, NHP took a variety of steps to reduce expenses, including eliminating certain expenditures and positions and reducing staff.

5. NHP has two pharmacists on staff. The pharmacists are responsible for both patient and regulatory issues. Their work would be seriously impacted if they were required to instead spend time attempting to respond to the Dey, Inc. subpoena.

6. NHP particularly does not have any staff hours to spare during the last quarter of 2005 and the first quarter of 2006. As a MassHealth managed care organization, NHP has numerous regulatory responsibilities, including developing a Balanced Budget Act ("BBA") compliant plan for managed care. Through the end of 2005 and into 2006, NHP must prepare and submit to MassHealth for review a number of BBA compliant plans policies and procedures. NHP compliance and other staff, including the NHP pharmacists, will be needed to complete this process and will not have extra time to dedicate to responding to the Dey, Inc. subpoena.

7. NHP does not have the personnel or resources to respond to the subpoena from Dey, Inc. Given the breadth and scope of the deposition topics and document requests, it is difficult to estimate how many hours would be needed to prepare for the deposition and to attempt to locate, retrieve, review and organize the requested documents. I estimate that it would take months and months. NHP does not have any staff it could spare on a full-time basis for this task and even the loss of staff hours on a part-time basis would be extremely burdensome and expensive for NHP and would negatively impact its ability to deliver services to its members.

Signed under the pains and penalties of perjury this 29<sup>th</sup> day of November, 2005.

/s/Pamela Siren  
Pamela Siren